

**REMARKS**

Applicant acknowledges receipt of the Office Action mailed February 4, 2009.

In the Office Action, the Examiner objected to claim 47; rejected claims 48-65 under 35 U.S.C. § 101; and rejected claims 34-66 under 35 U.S.C. § 112, second paragraph.

In this Amendment, Applicant amends claims 34, 36-38, 42-48, 51, 54, 55, and 57-65. Upon entry of this Amendment, claims 34-66 will remain pending. Of these claims, claims 34, 48, and 57 are independent.

The originally-filed specification, claims, abstract, and drawings fully support the amendments to claims 34, 36-38, 42-48, 51, 54, 55, and 57-65. No new matter has been introduced.

Based on the foregoing amendments, Applicant traverses the objection and rejections above and respectfully requests reconsideration for at least the reasons that follow.

**I.      OBJECTION TO THE CLAIMS**

Applicant traverses the objection to claim 47. Applicant submits that the objection to claim 47 has been rendered moot by the amendment to claim 47. Applicant therefore requests that the objection to claim 47 be withdrawn.

**II.     35 U.S.C. § 101 REJECTION**

Applicant traverses the rejection of claims 48-65 under 35 U.S.C. § 101. Applicant submits that the rejection of claims 48-65 has been rendered moot by the amendments to claims 48 and 57-65, as suggested by the Examiner. Applicant

therefore requests that the rejection of claims 48-65 under 35 U.S.C. § 101 be withdrawn.

### **III. 35 U.S.C. § 112, SECOND PARAGRAPH, REJECTIONS**

Applicant traverses the rejection of claims 34-66 under 35 U.S.C. § 112, second paragraph. Applicant submits that the rejection of claims 34-66 has been rendered moot by the amendments to claims 36, 42-46, 48, 51, 54, 55, 57-61, 63, and 64, as suggested by the Examiner.

With respect to claim 34, the Examiner states that “[it is] unclear what the phrase ‘determining a first excess material volume curve of said elastomeric material with respect to an available volume in said at one portion of the molding cavity versus a predetermined direction’ means[,] i.e.[,] is a curve being plotted and if so relative to what. Further it is uncertain if the direction is associated with the mold or something else and it is also uncertain why there is an excess material.” (*Office Action*, p. 3, para. 6). Applicant submits that the above-identified limitation is supported in the specification, for example, on page 15, line 22 - page 19, line 13, and Figs. 3-7. The above-limitation recites a first excess material volume curve with a function EM(y) plotted relative to a radial height or direction ‘y’ of the tire. The predetermined direction is a radial direction of the tire. The “excess material volume” is a function that relates to the volume difference between the volume of the material disposed on the toroidal support and the available volume in the molding cavity. (*Applicant’s Specification*, p. 15, lines 24-27).

Applicant therefore requests that the rejection of claims 34-66 under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### IV. CONCLUSION

Applicant respectfully submits that claims 34-66 are in condition for allowance.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 20, 2009

By:



Bruce C. Zotter  
Reg. No. 27,680